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JUN 14 2013
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

Case No. 2002-CP-07-1377

Ex parte: William Dixon Robertson III, William M. Bowen, W. Jefferson Leath, Jr., Michael S. Seekings, and Timothy W. Bouch,.....Appellants.

Timothy J. Treon and his wife, Jane Treon, and P. Jennings Scarce and Steven Christian individually, and on behalf of other similarly situated in the State of South Carolina,.....Respondents,

v.

Dryvit Systems, Inc.,..... Defendant.

NOTICE OF APPEAL

William Dixon Robertson III, William M. Bowen, W. Jefferson Leath, Jr., Michael S. Seekings, and Timothy W. Bouch, individually through their respective undersigned counsel, appeal the Rule to Show Cause Order issued by the Honorable J. Mark Hayes, II on June 5, 2012, the September 28, 2012 order denying their motions to dismiss the Rule to Show Cause, and the June 5, 2013 order denying their motions for reconsideration of the September 28, 2012 order, copies of which are attached hereto pursuant to Rule 203(d)((1)(B)(ii), SCACR. The Appellants received written notice of entry of the June 5, 2013 order denying their motions for reconsideration on June 7, 2013.

[Signature block on following page]

Handwritten mark

June 14, 2013

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and Steven Christian individually, and on behalf of other similarly
situated in the State of South Carolina,.....Plaintiffs,

v.

Dryvit Systems, Inc., Defendant.

PROOF OF SERVICE

I certify that this 14th day of June, 2013, I have served the foregoing Second Amended Notice of Appeal via U.S. Mail, first class postage prepaid, on the following counsel:

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Member

June 14, 2013

HAND DELIVERED

The Honorable Jenny Abbott Kitchings
Clerk, SC Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: *Ex parte: William Dixon Robertson III, et al., Appellants and Timothy J. Treon, et al., Plaintiffs v. Dryvit Systems, Inc., Defendant*
Beaufort County Case No. 2002-CP-07-1377

Dear Ms. Kitchings:

Enclosed herewith for filing in the above-referenced matter is a Notice of Appeal. Please return received-stamped copies to me via our courier. Also enclosed is our check in the amount of \$100.00 which represents the fee for this filing, and a proof of service reflecting that all counsel of record have been served with copies of the same.

The transcripts of the proceedings in this matter have already been requested and received; therefore, we will calendar July 13, 2013 as the due date for the Appellants' Initial Brief(s).

Very truly yours,



Susan P. McWilliams

SPM/cwh
Enclosures

cc (w/encls.): M. Dawes Cooke, Jr., Esquire

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The Honorable Jenny Abbott Kitchings
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